

Katherine Venti, USB #9318  
Parsons Behle & Latimer  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Telephone: 801.532.1234  
Facsimile: 801.536.6111  
KVenti@parsonsbehle.com  
ecf@parsonsbehle.com  
*Attorneys for Defendant The Sherwin-Williams Company*

---

**THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH**

---

LISA S. PEEL, Individually and as Personal Representative of the Estate of EUGENE SUDWEEKS, deceased, and THOMAS EUGENE SUDWEEKS, as heirs of EUGENE SUDWEEKS,

Plaintiffs,

vs.

HAMILTON MATERIALS, INC., KAISER GYPSUM COMPANY, INC., KELLY-MOORE PAINT COMPANY, INC., MURCO WALL PRODUCTS, INC., THE SHERWIN-WILLIAMS COMPANY,

Defendants.

**STIPULATED MOTION FOR DISMISSAL OF THE SHERWIN-WILLIAMS COMPANY WITHOUT PREJUDICE**

Civil No. 2:20-cv-00629-DBB-JCB

Judge David Barlow

Magistrate Judge Jared C. Bennett

---

Pursuant to Federal Rule of Civil Procedure, Rule 41(a)(2) and Local Rule DUCivR 7-1(a)(2)(G), defendant THE SHERWIN-WILLIAMS COMPANY and plaintiffs LISA S. PEEL, individually and as Personal Representative of the Estate of EUGENE SUDWEEKS, DECEASED, and THOMAS EUGENE SUDWEEKS, as heirs of EUGENE SUDWEEKS, by and through their respective counsel of record, hereby agree and stipulate that they have reached a resolution of this matter and, therefore, agree, stipulate, and jointly move for an order

dismissing all claims in this action asserted against THE SHERWIN WILLIAMS COMPANY WITHOUT PREJUDICE, with each party to bear its own costs, expenses and attorneys' fees.

A proposed order has been submitted herewith.

DATED this 2nd day of March, 2022.

/s/ Katherine Venti

---

KATHERINE VENTI  
PARSONS BEHLE & LATIMER  
*Attorneys for The Sherwin-Williams Company*

/s/ Barrett Naman

---

BARRETT NAMAN  
THE NEMEROFF LAW FIRM  
*Attorneys for Plaintiffs*  
*Signed electronically, with permission*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of March, 2022, I caused a true and correct copy of STIPULATED MOTION FOR DISMISSAL OF THE SHERWIN WILLIAMS COMPANY WITHOUT PREJUDICE to be sent via electronic mail to all counsel of record as follows:

Barrett B. Naman: [barrettnaman@nemerofflaw.com](mailto:barrettnaman@nemerofflaw.com)

Richard Ira Nemeroff: [ricknemeroff@nemerofflaw.com](mailto:ricknemeroff@nemerofflaw.com), [belindanixon@nemerofflaw.com](mailto:belindanixon@nemerofflaw.com)

Stewart Peay: [speay@swlaw.com](mailto:speay@swlaw.com)

/s/ Katherine Venti